

Developer Easements

From time to time developers may need to install a sewer line across private property in order to provide sewer service to an area being developed. If the developer is unable to reach an agreement with a particular property owner, he may request assistance from the County after meeting several requirements under the County's **Developer Acquisition Assistance Program**.

Once these requirements are fulfilled, the County will retain a Mediation Agent to discuss the situation with both the developer and the property owner in an attempt to work out a mutually acceptable compromise. If the mediation hearing is unsuccessful, the mediator presents a summary of his findings to the Cobb County Board of Commissioners. The Board then determines whether or not to proceed with a condemnation of the property on the developer's behalf. If the Board decides to proceed with the condemnation, appropriate documents are filed in Cobb Superior Court and a Special Master appointed for this purpose then hears the case.

The Special Master determines the value that should be paid for the easement and provides the developer with the requested access. The dollar value of the judgement may be appealed by the property owner; however, the taking itself cannot generally be appealed. Once construction is completed, the County will take responsibility for the sewer line.

Frequently Asked Questions

1) What is an easement?

An easement is the right provided to a person or entity to use someone else's property. The property owner usually transfers this right while retaining ownership through execution of an easement document.

2) What is a permanent easement?

A permanent easement is a right granted by an underlying property owner that entitles its holder to a specific use of the property. The underlying property owner's rights to use a permanent easement are somewhat restricted, although non-structural improvements such as walkways, driveways, and fencing are generally allowable, as are some types of shallow rooted landscaping.

3) What is a temporary easement?

A temporary easement is a right granted for a specific period of time and once it expires, the rights granted return to the property owner.

4) Does an easement devalue my property?

Typically, easements have minimal impact on property value.

5) Will my property be restored to its prior condition?

Your property will be restored to its prior condition (or as close as possible) excluding mature trees.



What You
Should
Know

Cobb County Water System

Water and Sewer Easements

(770) 419-6316

Drainage Easements

(770) 419-6435

EASEMENTS

Sewer Easements

Sanitary Sewer Easements

are needed for the installation of sewer pipelines and their ongoing maintenance. Sewer construction usually involves both permanent and temporary construction easements.

Permanent Easements are normally 20 feet wide and are required for ongoing inspection and maintenance. The underlying property owner's rights to use a permanent easement are somewhat restricted, although non-structural improvements such as walkways, driveways, and fencing are generally allowable, as are some types of shallow rooted landscaping. The County may access a permanent easement for maintenance purposes.

Temporary Easements are 40 to 60 feet wide and are frequently required for construction of pipelines or other facilities that may lie in permanent easements. A temporary easement is granted for a specific period of time. Upon expiration, all rights associated with the temporary easement return to the property owner.

Water Easements

Water Easements are rarely needed. Pipelines carrying potable water are generally constructed within the right-of-way of roads. Work in the right-of-way does not require an easement from the adjacent property owner, and the contractor does not have the right to enter private property. In some instances, installation of a water line within a right-of-way may require a temporary easement on private property for construction equipment access, or other purpose.

In unusual cases, it may not be possible to construct required water lines within an existing right-of-way. In this situation, both a temporary and a permanent easement may be needed.

Water lines are generally only four to five feet deep and do not have to follow existing contours; they can be designed to minimize property impacts. Permanent and temporary water line easements are otherwise similar to sewer easements.

Drainage Easements

Drainage Easements preserve a legal path for stormwater conveyance. A downstream property owner is obligated to accept stormwater flowing onto his property by gravity. Typically, recorded drainage easements are at least 20 feet wide. In certain instances, drainage easements can be substantially wider than 20 feet. They are also recorded around stormwater detention ponds. Although, the property owner owns the land within drainage easements, any structures or plantings (trees or bushes) within a drainage easement are at risk. Cobb County is under no obligation to replace anything within a drainage easement that must be removed for maintenance purposes. While not required, access permission is normally obtained from the affected property owner before maintenance work can begin. No dumping of yard debris, filling with soil or concrete, or fencing is permitted within a drainage easement. Property owners who fail to maintain drainage easements in an open unobstructed condition may be subject to fines and may face civil liability in the event of flood damage to surrounding properties.